

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Nadine J. Griffin,

Accused, Belligerent Claimant.

CASE NO. 05-CR-10175-WGY

RESPONSE TO UNITED STATES  
EMPLOYEE CHRISTOPHER MAIETTA'S  
OBJECTION TO Nadine J. Griffin's MOVE  
FOR DUE PROCESS AND EQUAL  
PROTECTION OF THE LAW

(No Oral Arguments)

COMES NOW Nadine J. Griffin, on her own behalf, responding to United States Plaintiff's employee Christopher Maietta's consolidated opposition to Griffin's move for due process and equal protection under the law, and acceptance of his Oath of Office. Christopher Maietta is either delusional or in denial of the documented judicial activism and constraints on justice that exist in the case of Nadine J. Griffin. In quoting Maietta, he states without any supporting evidence in pertinent part: "*Defendant's allegations . . . are in no way supported by the record and are totally frivolous.*"

Maietta responds using garden variety, highly predictable, linguistic gymnastics, skirting issues of law and facts, employing the term "frivolous" or "patently frivolous" the most frequently used terms of government officers, officials and employees. Such a response relieves Maietta (and officers like him) of the burden of addressing legally founded issues, precedents

1 and statutes. Nevertheless, Nadine J. Griffin, is forced to proceed before this stacked deck of  
2 cards in a fight for her life, liberty and property.

3 Christopher Maietta's offering of a frail, unskilled, generic, un-researched response, unable to  
4 defend a valid and verifiable position espoused by Griffin -- constitutes a direct violation of due  
5 process of law and violates equal protection of the law allowing him to remain silent on the  
6 issues.

7  
8 "Silence is a species of conduct, and constitutes an implied representation of the  
9 existence of the state of facts in question, estoppel is accordingly a species of  
10 estoppel by misrepresentation. [Cite omitted]. When silence is of such a character  
11 and under such circumstances that it would become a fraud upon the other party  
to permit the party who has kept silent to deny what his silence has induced the  
other to believe and act upon, it will operate as an estoppel." Carmine vs. Brown,  
64 A. 932 (1906). [Emphasis Added.]

12 "*Silence can only be equated with fraud where there is a legal or moral duty to*  
13 *speak or where an inquiry left unanswered would be intentionally misleading...*  
14 *This sort of deception will not be tolerated and if this is the routine it should be*  
15 *corrected immediately.*" United States vs. Tweel, 550 F. 2d 297

16 Seemingly, neither Christopher Maietta nor judicial official and CEO William G. Young are  
17 bound by the same laws they have been given the authority to enforce -- shielded with sovereign  
18 absolute immunity as employees and members of the awesome machinery of the [G]overnment.  
19 For these and other reasons, Nadine J. Griffin must move for due process and equal protection of  
the law.

#### 20 **FRIVOLOUS DEFINED BY THE UNITED STATES SUPREME COURT**

21 Christopher Maietta has failed to address one single element of why Nadine J. Griffin's move  
22 for equal protection under the law is "frivolous." The following United States Supreme Court  
23 precedent should dispel Christopher Maietta's unjustified mischaracterization of Griffin's  
24 attempt to compel this Court's judicial officials and Mr. Maietta to remain in strict compliance  
25 with the law. Inasmuch as Maietta may seek to ignore certain facts and employ others, United

1 States Supreme Court rulings speak unambiguously to the definition of frivolous. The Supreme  
 2 Court defines the term "frivolous" as it applies to the law and the facts of any case or issue in so  
 3 stating:

4 *"In relevant part, Judge Schroeder's lead opinion concluded that a district court*  
 5 *could dismiss a complaint as factually frivolous only if the allegations conflicted*  
 6 *with judicially noticeable facts, that is, facts "capable of accurate and ready*  
 7 *determination by resort to sources whose accuracy cannot reasonably be*  
 8 *questioned."* Denton v. Hernandez 504 U.S. 25 (1992).

9 The Court went on to intimate further:

10 *" . . . a complaint, containing as it does both factual allegations and legal*  
 11 *conclusions, is frivolous where it lacks an arguable basis either in law or in*  
 12 *fact."* Neitzke v. Williams, 490 U.S. 319, 325. (1989)

13 Without need for interpretation, the Supreme Court offers conclusive elements to the term  
 14 frivolous. Such clear cogent and irrefutable definition as opined by the high court shall be the  
 15 cornerstone and the foundations by which doctrines of law Nadine J. Griffin shall rely upon. To  
 16 the contrary, if this Court's judicial official William G. Young (or his law clerk) deny Griffin's  
 17 move for due process and equal protection – it is assured that Supreme Court rulings have no  
 18 place in this Kangaroo Court, which makes sense of such denial.

19 Denton, supra, went on to state in pertinent part:

20 *" . . . to dismiss them as frivolous without any factual development is to*  
 21 *disregard the age-old insight that many allegations might be strange, but true;*  
 22 *for truth is always strange, Stranger than fiction."* Lord Byron, Don Juan, Canto  
 23 XIV, Stanza 101 (T. Steffan, E. Steffan, & W. Pratt eds. 1977). (*Emphasis*  
 24 *Added.*)

25 Christopher Maietta has failed to establish a single element of frivolity in his objection that  
 according to the Supreme Court showing that Nadine J. Griffin's move for due process and equal  
 protection: (1) lacks of factual allegations, (2) professes legal conclusions, (3) conflicts with

1 judicially noticeable facts, (4) not capable of accurate and ready determination, and (5) can  
2 reasonably be questioned.

3 Unlike Maietta's response in opposition and objection, bearing all the elements of  
4 "frivolous" with such a lackluster response, Nadine J. Griffin's move is buttressed and on the  
5 record. Griffin's move for due process and equal protection of the law is not solely for the  
6 purpose of pointing out the particular violations of her Rights presently on the record, but for this  
7 Court's judicial officials to establish its future intent to: (1) adhere to the law with indifference,  
8 (2) rule on sound legal principles, (3) remain unbiased, (4) remain impartial, and (5) proceed  
9 without prejudice in light of your financial nexus with your United States plaintiff's employer.

11 "Moreover, even if there is no showing of actual bias in the tribunal, this Court  
12 has held that due process is denied that due process is denied by circumstances  
13 that create the likelihood or the appearance of bias." *Peters v. Kiff*, 407 U.S. 493,  
14 502 (1972), 92 S.Ct. 2163.

15 In other words, a formal denial of Griffin's move for due process and equal protection of the  
16 law is to openly and officially denying her access to the law, this Court, and to justice *in toto*.  
17 With the denial of Griffin's rights to a fair and impartial hearing on the record, the intent of  
18 William G. Young has already been established – and due process and equal protection under the  
19 law – has been DENIED. Nonetheless, Maietta's objection and motioning this Court deny  
20 Griffin's move for due process and equal protection under the law, if granted, will solidify and  
21 conclude on the record, that Griffin will be proceeding before a Kangaroo Court, therein force to  
22 seek a Writ of Mandamus to compel this Court's judicial officials abide by the law and  
23 conditions precedent.

#### 24 **ACCEPTANCE OF CHRISTOPHER MAIETTA'S OATH OF OFFICE**

25 To the degree that Nadine J. Griffin should respond to Maietta's concern regarding Griffin's  
acceptance of his contracted Oath of Office is limited to say: (1) your actions are contractual in



1 nature, and (2) your offer to contract was made with your intent to maliciously prosecute Nadine  
 2 J. Griffin without cause, and therefore without jurisdiction, and (3) the acceptance of your Oath  
 3 of Office is in no way a "Motion" to the Court; but, a mandatory judicial notice of such  
 4 acceptance.

5 And as far as the three days issue regarding the acceptance of your contract being, as you say  
 6 frivolous, such an acceptance prevails under the Common Law (see Williston on Contracts 2<sup>nd</sup>  
 7 Edition). But again, you are probably not fully abreast of the language in your "Errors and  
 8 Omissions Policy" either.

9 WHEREFORE, Nadine J. Griffin moves for a neutral, non-biased and qualified judicial  
 10 official, actor or referee of this Court grant the move for due process and equal protection under  
 11 the law as the only just and proper remedy.  
 12

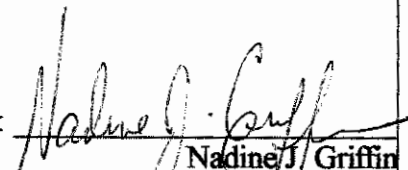
13 Enthusiastically Submitted,

14 **VERIFICATION**

15 I, Nadine J. Griffin, declare under penalty of perjury as a Conscious, Thinking, Feeling,  
 16 Living, Breathing, Flesh and Blood, Sentient Being that the forgoing is true and correct. All  
 17 Rights retained without recourse.

18 Executed this 21 day of February, 2006.

19  
 20 Signature:

  
 Nadine J. Griffin  
 Accused, Belligerent Claimant  
 c/o 36 Center Street, #143  
 Wolfeboro, New Hampshire [03894]

**CERTIFICATE OF SERVICE**

I, Nadine J. Griffin, certify that on February \_\_\_\_, 2006, I mailed a true and correct copy of the above and foregoing RESPONSE TO UNITED STATES EMPLOYEE CHRISTOPHER MAIETTA'S OBJECTION TO Nadine J. Griffin's MOVE FOR DUE PROCESS AND EQUAL PROTECTION OF THE LAW by Certified Mail addressed to:

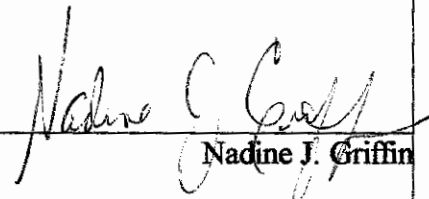
Christopher Maietta  
United States Attorney's Office  
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Suite 9200  
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Certified Mail No. 7004 1160 0007 4196 2721

William Smith, Majority Chief Counsel  
Preet Bharara, Minority Chief Counsel  
US Committee on the Judiciary  
Subcommittee on Administrative Oversight and the Courts  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

Certified Mail No. 7004 1160 0007 4196 2745

Executed this 21 day of February, 2006

  
Nadine J. Griffin